

REMARKS

On October 11, 2007, the Examiner and the undersigned conducted an Examiner's interview. Although no agreement was reached, it was decided that Applicant would present a proposed claim amendment and then a further interview would be conducted with a view towards obtaining an allowable set of claims. In this connection, independent Claim 1 has been amended so that it corresponds to Claim 12 rewritten in independent form. Independent Claim 13 has been amended so that it corresponds to Claim 17 rewritten in independent form also, correcting certain typographical errors in Claim 17. Independent Claim 23 has been amended so it corresponds to Claim 24 rewritten in independent form. Independent Claim 26 has been amended to correspond to Claim 28 rewritten in independent form.

Although the amended claims have been rejected based on prior art, Applicant believes that the claims, as amended, patentably define over the prior art as explained below.

In particular, as to Claims 1, 23 and 26, said claims include a limitation wherein the real sales velocity is determined by dividing the number sold by the elapsed time since the sale started and the set sales velocity is determined by dividing the total available quantity by the sale duration. In the Action, the Examiner contends that this limitation is met because "it is inherent that one would determine the real time sales velocity by dividing the number of products sold by the elapsed time, and the set sales velocity by dividing the total products available by the total time available for the sale." Applicant respectfully requests that the Examiner reconsider this basis for maintaining the rejection since there is no teaching, suggestion or reason for the prior art to undertake such calculation. As described in Godin et al., at column 6 beginning at line 37, the only updating performed is to reduce the number of units left based upon purchases, update the time at five-second intervals, and decrease the price in a predetermined but undefined manner. Thus, the only calculating undertaken by Godin et al. is to subtract the number of units sold from a previous total, and to subtract five seconds from a clock counter. Although Godin et al. does not disclose how the price is decreased, it is a function of the time remaining in the auction. See column 6, lines 41-42. There is no indication that a division takes place of the number of products sold by the elapsed time and of the total product available by the total time

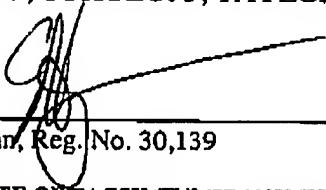
available for the sales. Since Godin et al. only teaches price decreasing only as a function to time decreases, there is no reason to do a division.

As to the remaining independent claim, namely, Claim 13, the included limitation of Claim 17 does not appear to have addressed in the Action in any meaningful way. After the Examiner has had an opportunity to review this proposal, it is requested that an interview be conducted. In this connection, Applicant is available for such interview on any day from October 15-19 at 11 a.m.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: 10/12/07

  
Eric Hyman, Reg. No. 30,139

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to Mail Stop - Non-Fee AMENDMENTS, Commissioner for Patents PO Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.

  
Linda Metz

10/12/07  
October 12, 2007

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800